

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

CLERK 
SO. DIST. OF GA.

RASHAUD JOHNSON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. CV410-256


O R D E R

Before the Court is Petitioner Rashaud Johnson's Motion for Certificate of Appealability (Doc. 10). The Magistrate Judge's Report and Recommendation (Doc. 5), which was adopted by this Court (Doc. 8), recommended that no Certificate of Appealability should issue in this case (Doc. 5 at 25). Therefore, this Court construes Petitioner's motions as seeking reconsideration of this Court's prior order adopting those portions of the report and recommendation.

Pursuant to 28 U.S.C. § 2253(c), an appeal may not be taken in this matter unless the court issues a Certificate of Appealability. This certificate may issue only if Petitioner has made a substantial showing of the denial of a constitutional right. Slack v. McDaniel, 529 U.S. 473, 484 (2000). The Court has carefully considered Petitioner's motion and finds that he cannot meet the above standard. Therefore, the Court sees no

reason to disturb its prior order. Accordingly, Petitioner's motion (Doc. 10) is **DENIED**.

SO ORDERED this 12th day of July 2011.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA